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CONNECTION OF MASSACHUSETTS
WITH
SLAVERY AND THE SLAVE-TRADE.

A PAPER READ BEFORE THE AMERICAN ANTIQUARIAN SOCIETY AT
WORCESTER, OCTOBER 21, 1886.

BY CHARLES DEANE.

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THE CONNECTION OF MASSACHUSETTS WITH SLAVERY AND THE SLAVE-TRADE.

I now propose to read some notes on a subject not new, in fact rather old, and I hope I may not tire the patience of my hearers. The subject is — The Connection of Massachusetts with the Slave-Trade and with Slavery. Grave charges have sometimes been made against Massachusetts in relation to this subject. They were repeated by Jefferson Davis in his message to the so-called Confederate States, April 29, 1861,¹ and more recently they have been served up to us anew in a more florid style in the Senate of the United States, in words which I shall now take for my text.

In a debate on the 26th of March, 1884, on the subject of "Aid to Common Schools," Mr. Vance of North Carolina, in reply to a Senator from Massachusetts, after indulging in some uncomplimentary remarks in reference to that State, proceeded, — "A State that is more responsible under heaven than any other community in this land² for the introduction of slavery into this continent, with all the curses that have followed it; that is the nursing mother of the horrors of the middle passage, and that after slavery in Massachusetts was found not to pay sold those slaves down South for a consideration, and then thanked God, and sang the long metre Doxology through their noses, that they

¹ George Livermore's *Historical Research*, p. 4, Boston, 1863.

² The language, "any other community in this land," might seem to limit the comparison, for the alleged responsibility, to the British colonies; but when, immediately following, Massachusetts is called "the nursing mother of the horrors of the middle passage," it is clear that no limitation was intended.

were not responsible any longer for the sin of human slavery, should at least be modest in applying epithets to her neighbors."

"If I may be permitted," he continues, "to disturb the dignified solemnities of this body for one moment, I will state what this reminds me of. I once heard of an old maid who got religion at a camp-meeting. Immediately after she had experienced the change she commenced exhorting the younger and prettier women in regard to wearing jewelry and gewgaws, and warned them against the pernicious consequences to piety of such vanities. 'Oh! girls,' she said, 'I tell you, I used to wear ear-rings, and finger rings, and laces and furbelows like you do, but I found they were dragging my immortal soul down to hell; and I stripped them every one off and sold them to my younger sister Sally.' That is the way Massachusetts relieved herself from slavery. That is the way she preserved her whiteness of soul."¹

Part of this language awakens the echoes which once resounded through the halls of Congress in the old slavery days. Passing over the sarcasm and wit shown in the illustrative anecdote, it will be more significant to enquire if the allegations of fact upon which they rest are true. No authorities are cited tending to substantiate them. Ordinarily it is difficult, often it is impossible to prove a negative.² But in this case it is easy to prove the falsity of the charges alleged, and to show where the responsibility of introducing

¹ Cong. Rec., March 26, 1884, p. 2284.

² At the time this speech was made, and the passage above cited appeared in the newspapers, my friend and neighbor, the Hon. John C. Dodge, LL.D., urged me to write a reply to it, which for several reasons I declined, and commended the subject to him, offering him any materials I might have for his use. He consented, and made considerable progress in the work, but impaired eyesight warned him to desist from making further extra demands upon it, and he laid his manuscript aside before finishing it—at least according to his original intention. Mr. Dodge now kindly placed this paper in my hands with liberty to make such use of it as I might find convenient. I found it to be admirably prepared, and seeming fully to answer the purpose for which it was designed by

slavery into this continent actually rests. The Senator might easily have informed himself that the work of transporting negroes from Africa to the mainland and islands of this continent was almost exclusively done by Englishmen and in English ships. Mr. Bancroft writing in 1840 summarizes the matter thus, — “While the South Sea Company satisfied but imperfectly its passion for wealth, by a monopoly of the supply of negroes for the Spanish islands and main, the African Company and independent traders were still more busy in sending negroes to the colonies of England. To this eagerness, encouraged by English legislation, fostered by royal favor, and enforced for a century by every successive ministry of England, it is due, that one-sixth part of the population of the United States—a moiety of those who dwell in the five States nearest the Gulf of Mexico—are descendants of Africans.”¹

I have cited this extract from Mr. Bancroft’s History because the work is so easily accessible, the volume containing it having been published nearly fifty years ago. Let us look at some of the facts on which this statement rests. And I invite this inspection not merely by way of answering the charges alleged, which would require but little time and but a small space in this paper, but to bring before us some of the facts and statistics relating to the British slave-trade, in a narrative form, as more suitable to an occasion like this.

“The history of English America,” says Mr. Payne in his *Voyages of the Elizabethan Seamen*, “begins with the three slave-trading voyages of John Hawkins, made in the years 1562, 1564, and 1567.”² Nothing that Englishmen

him. I will add that I have here made free use of such of its notes and references as suited my purpose, thereby saving to myself considerable time and labor.

¹Bancroft’s History of U. S., Vol. III., p. 402.

²It is not improbable that old William Hawkins, the father of John, had already made the Brazilian voyage in 1530 and 1532, by way of Guinea, though Hakluyt is silent as to slaves.

had done in connection with America, previously to those voyages had any results worth recording." Nearly seventy years before, John Cabot, sailing for England, had reached the New World, and some English adventurers as the tidings of discovery spread had crossed the Atlantic to the American coast. "But as years passed the English voyages to America had become fewer and fewer, and at length ceased altogether." As the Spanish and Portuguese plantations in America multiplied the demand for negroes also increased. The Spaniards had no African settlements, but the Portuguese, who were the pioneers in the negro slave-trade on the coast of Africa, had many; and with the aid of the French were able to supply enough for both themselves and their neighbor. But so rapid was the growth of the Brazilian plantations, about the middle of the sixteenth century, that they absorbed the entire supply and the Spanish colonists knew not where to look for negroes. "This penury of slaves in the Spanish Indies became known to the English and French captains who frequented the Guinea coast; and John Hawkins who had been engaged from boyhood in the trade with Spain and the Canaries, resolved in 1562 to take a cargo of negro slaves to Hispaniola."¹ The old chronicler, Hakluyt, has preserved an account of these three expeditions, of the kidnapping of the negroes on the coast of Africa, and their transportation to the West Indies, written by eye-witnesses. The first voyage, which was successful, opened the seas of the West Indies to the English navigator. Hawkins sold his negroes in Hispaniola, delivering them at the northern ports on the island. The second voyage was likewise successful, for Hawkins entered the Caribbean Sea, visited the Spanish main, where he sold his living freight, and returned by the way of Florida—where he visited the French colony of Laudonnière—and the coast of North America, following very nearly the

¹Voyages of the Elizabethan Seamen to America, by E. J. Payne: London, 1880, pp. 1-6.

track of Verrazzano forty years before. This voyage won for him wealth and distinction, and in 1565 he obtained from the Queen his well-known coat of arms, having the crest of "a demi-moor bound and captive." The vessel in which he sailed on this voyage, the one he personally commanded, was the "Jesus." His third voyage was disastrous in the extreme, as in an encounter with a Spanish fleet at the port of San Juan de Ullua, in which he had taken refuge in a storm, he barely escaped to tell the tale. In his distress he was obliged to put on shore, on the Mexican coast, one hundred men, being one-half of his number, to struggle for themselves, and the subsequent history of those who survived forms an interesting episode in the early annals of America.

It should perhaps be explained here why Hawkins was obliged to visit the Spanish ports in America by stealth to sell his negroes, when this species of merchandise was so much wanted. The Spanish colonists were eager to buy and to them Hawkins sold in spite of the remonstrance and opposition of the Spanish colonial officials, who had been instructed by the government at home to admit no English ships into their ports. For political reasons especially, great jealousy of the English existed in Spain, and after Hawkins's first and second voyages, express orders were issued against him. Hawkins was, therefore, an interloper on the coast. This was Hawkins's last slave-voyage, and he is the only Englishman who, during the sixteenth century, mixed himself up with the slave-trade.¹

I might add that previous to Hawkins's slave ventures English merchantmen often visited the coast of Africa. We find them there in 1551, and in the following years down to 1556, but no slaves are mentioned as objects of traffic.²

¹ "Some Account of the Trade in Slaves from Africa as connected with Europe and America," &c., by James Bandinel, Esq., Foreign Office, London, 1842, p. 39.

² Bandinel, 33, 36. "It is said, that, in the year 1553, four and twenty negroes

England now began to realize the importance of enlarging her commerce as a vent for her manufacturing products, and several commercial companies were chartered by royal favor in aid of their schemes for trading to different parts of the African coast. A few voyages were made, but negroes are not mentioned as objects of traffic.¹

In 1618 a royal grant was made to the Governor and Company of Adventurers trading to Africa, which is the first instance in which the English seriously interfered with the exclusive sovereignty claimed by Portugal on that coast. They erected forts and established factories on the Gambia, but the profits not answering their expectations the company disbanded and the charter was suffered to expire. But that company did not meddle with the trade in slaves.²

In 1631 a second African company was chartered for

were brought into this island from the coast of Africa, and immediately to an English port, as at that time we had no American or sugar trade."—Barrington's Statutes, 281, quoting Hakluyt.

¹ Bandinel, 39; Astley's *Voyages*, II., 158, 159.

² Bandinel, 42, 43; Edwards's, *West Indies*, II., 52, London, 1819. There probably were at this early period roaming vessels of the English as of other nations ready to pick up negroes on the coast of Africa or elsewhere nearer at home.

In August, 1619, a Dutch man-of-war arrived in Virginia, and sold to the planters there twenty negroes, the first brought into the colony. This Dutch vessel was not a slaver from the coast of Africa. She had accidentally consorted, in the West Indies, with an English ship, the *Treasurer*, Captain Elfred, owned by the Earl of Warwick and Governor Argall, and was sent out by the former with an old commission from the Duke of Savoy, authorizing her to take Spaniards as lawful prize. Manned and newly victualled from Virginia she set out on her roving voyage. "These twenty negroes were part of one hundred," says one authority, "captured from a Spanish vessel by the *Treasurer*." (4 Mass. Hist. Soc. Coll., IX., 4-7, and note p. 4). The remainder were taken to Bermuda and placed on the Earl of Warwick's plantation. (Burk's Virginia, I., 319; Niell's Virginia Company, pp. 120, 121.)

Captain Arthur Guy, in 1628, in the ship *Fortune* of London, met and captured a slaver from the Angola coast, and brought many negroes to Virginia and exchanged them for tobacco. Niell's *Virginia Carolorum*, p. 59.

Dutch vessels are early found on the coast of Africa engaged in the slave business, and later they became one of the most active maritime powers to enlist in this traffic. In 1625 or 1626, the Dutch brought the first negroes to *Manhattan*. See Journals of the voyages of two Dutch slavers, the *St. John* and *Arms of Amsterdam*, 1659, 1663, which, with illustrative papers, were published in 1867, edited by E. B. O'Callaghan.

thirty-one years, and all persons except the patentees prohibited from trading to Guinea, between Cape Blanco and the Cape of Good Hope. As the English had now begun the settlement of plantations in the West Indies, negroes were in such demand as to induce the new company at great expense to erect forts and warehouses on the coast for the protection of their commerce. This marks the time when the English began to embark in the importing of slaves from Africa—the first since the days of Hawkins; but it does not appear that they had as yet entered upon what was called the “carrying trade” for others. The English, French, Dutch and Portuguese each supplied their own colonies with slaves. The Spaniards, as I have said, had no resources on the coast of Africa and were obliged to resort to other nations to supply their colonists. But the trade of this company was so interfered with by interlopers and private traders, united to the intense hostility of the Dutch, who had now acquired additional possessions in Guinea from the Portuguese, that the trade was laid open and so continued till after the Restoration. In 1641 the English Barbadoes procured sugar-cane from Brazil, and after the fashion of the Portuguese black slaves were resorted to for its cultivation.¹

In 1655, Cromwell, in failing to take St. Domingo, took Jamaica, and commenced peopling it with emigrants from England, Scotland and Ireland; and he had it “much at heart” to transport the Massachusetts colony thither. It does not appear that he contemplated the aid of negroes in cultivation. No sugar was yet produced here. But Jamaica was destined to play an important part in the history of the English slave-trade.

In the year 1662, Charles II. incorporated a third exclusive African company, of which his brother, the Duke of York, and other distinguished persons, were members. That company undertook to supply the British West India

¹ Bandinel, 44, 47, 48; Edwards, II., 52, 53.

colonies with three thousand negroes annually. In 1664, the King, intending to make war on the Dutch, sent Sir Robert Holmes to the coast of Africa with orders to reduce the Dutch forts near Cape Verde, and their factories on the Guinea coast. In this war New York was taken by the English. These several African companies, however, though protected by patents and exclusive privileges, do not appear to have flourished, and from time to time they returned into the hands of the Crown the favors granted to them.

In 1672—the third company having surrendered their charter to the Crown—the fourth and last exclusive African company was established. It was an incorporated company upon a joint stock, as the last company had been. It bore the dignified name of the “Royal African Company,” and it had among its members the King, the Duke of York, and many others of rank and quality. The capital was £111,000 sterling. The grant was from Port Sallee in South Barbary, to the Cape of Good Hope. They allowed the late company £34,000 for their three forts at Cape Coast Castle, Sierra Leone, and James Fort, and they exhibited great energy in prosecuting their business. They enlarged Cape Coast Castle, built forts at Accra, and five other places, and imported large quantities of dyestuffs, of ivory, wax and gold, and supplied the British colonists with slaves. From the gold dust which they procured was struck the English coin known as the “guinea”—from the name of the country—50,000 at one time, in 1673, and called “elephant guineas” from the stamp they bore. But by the Declaration of Right at the Revolution of 1688 all royal charters were attacked and the exclusive character of this company was taken away, though they still persisted in seizing the ships of the separate traders, which occasioned great clamor and obstruction. In 1689 the company entered into a contract to supply the Spanish West Indies with slaves from Jamaica; and in 1697–8 the trade to

Africa which by the Declaration of Right was claimed to be laid open was expressly made so by Parliament under certain conditions. By statutes of 9 and 10, W. and M., c. 26, it was enacted "that for the preservation of the trade, and for the advantage of England and its colonies, it should be lawful for any of the subjects of his Majesty's realm of England, as well as for the company, to trade from England and the plantations in America to Africa, between Cape Mount and Cape of Good Hope, upon paying for the aforesaid uses a duty of 10 p. cent. *ad valorem* for the goods exported from England or the plantations, to be paid to the collector at the time of entry outwards, for the use of the company."¹ Also a further 10 per cent. was to be paid on all goods imported into England or the plantations from the coast aforesaid. This act was limited to thirteen years, and Astley says it was renewed in 1712.² On the 18th of April, 1707, a circular letter from the Board of Trade was addressed to all the British American colonies, asking for information as to whether the act just cited has accomplished its purpose in affording the best means for "the well supplying of the plantations and colonies with sufficient number of negroes at reasonable prices," which is "the chief point to be considered in regard to that trade," it being "absolutely necessary that a trade so beneficial to the kingdom should be carried on to the greatest advantage."³ The struggle now was between the African Company, with its abridged monopoly, and the private traders, "the subjects of his Majesty's Realm of England," as to which offered the best method for supplying the colonies with negroes in sufficient numbers and at the most reasonable prices.

It appears that there had been annually imported into the British colonies between 1679 and 1689—a period of ten years—by the African Company, and by interloping

¹ Edwards's *West Indies*, Vol. II., pp. 54-56; *Statutes of the Realm*, Vol. VII.; Bandinel, pp. 52, 53, 54.

² Astley's *Voyages*, Vol. II., pp. 160, 161.

³ *R. I. Col. Rec.*, Vol. IV., p. 53.

traders, about 4,500 slaves, and in the last named year, as we have already seen, the company entered into a contract with the Spanish government to supply her colonies with slaves from Jamaica, which island was to be the *entrepot*; and it likewise appears that from 1698 to 1707 there were landed in the British colonies, partly by the company and partly by British traders, about 25,000 negroes a year.¹ The direct supply of slaves from Africa to the Spanish colonies was, however, at this time, engrossed by the French, and it was not till 1713 that the English took part in the carrying trade.²

We have now arrived at a new era in the history of the British slave-trade. In the year 1713, the French contract with Spain having expired, the Spanish government made over to an English company by formal royal contract the privilege of supplying the Spanish-American colonies with slaves from Africa. The Spanish term for contract, "*Assiento*," was now specially applied to this agreement. The contract was called "*The Assiento*," and the company the "*Assientists*." The contract was held of such importance as to form the subject of a stipulation in the preliminaries of the treaty of peace of Utrecht, and it was confirmed in the sixteenth article of that treaty. It was to last for thirty years.³ The treaty was really between Philip V. of Spain and Anne, Queen of England; and this is the language of the agreement:—"Her Britannic Majesty did offer and undertake, by persons whom she shall appoint, to bring into the West Indies of America belonging to his Catholic Majesty, in the space of thirty years 144,000 negroes, at the rate of 4,800 in each of the said thirty years;"⁴ advancing him 200,000 crowns for the privilege and paying a duty of thirty-three and one-half crowns for each slave. And they might import as many more as they could sell the first

¹ *Report of Priv. Council on trade with Africa*, Bandinel, p. 56.

² Bandinel, p. 56.

³ Bandinel, pp. 57-61.

⁴ Bancroft, Vol. III., p. 232.

twenty-five years at a reduced scale of duty.¹ "Exactest care was taken," says Mr. Bancroft, "to secure a monopoly. No Frenchman, nor Spaniard, nor any other person might introduce one negro slave into Spanish-America. For the Spanish world in the Gulf of Mexico, on the Atlantic, and along the Pacific, as well as for the English colonies, her Britannic Majesty by persons of her appointment, was the exclusive slave trader. England extorted the privilege of filling the new world with negroes."² As large profits were expected, the King of Spain took one-quarter of the stock and gave his note for it, and the Queen reserved to herself one-quarter, while the remaining one-half was left for her subjects. Thus, continues Mr. Bancroft, the Sovereigns of England and Spain became the largest slave merchants in the world. By advice of her minister Queen Anne assigned her portion of the stock to the South Sea Company which contracted for this carrying trade.

It is calculated that for twenty years after this contract the number of slaves annually exported from Africa by the English was 15,000, of whom a third to a half went to the Spanish colonies; and that for the following twenty years the number was 20,000.³

The slave-trade part of the *assiento* had all along been a losing business, the only thing which sustained the company being the privilege reserved of sending annually a ship to Puerto Bello with merchandise—a clause in the contract which opened a wide field for fraudulent profit, as well as for complaint, resulting finally in loss, and was one occasion of the war which in 1739 broke out between England and Spain.

In 1739, twenty-five years from the date of the *assiento* agreement, the English company had got in debt to Spain

¹ Bandinel, pp. 57, 58; Journal House of Commons, Vol. XVII., p. 341. Art. XII., p. 342; Mem. of Lord Bolingbroke, by G. W. Cooke, second ed., Vol. I., p. 233, London, 1836.

² Bancroft, III., 232.

³ Bandinel, p. 59.

to the amount of £68,000, and the King of Spain threatened to suspend the contract if the sum was not paid. The war between the two countries interrupted the contract which soon after came to an end.

The English African company, in the mean time, had been entirely ruined by the *assiento* speculation, and in 1729 were obliged to come before Parliament for assistance to keep up their forts and factories. We have already seen that the trade had been conditionally opened by government to English traders to her own colonies, so that the company's monopoly had been infringed upon. Parliament granted them from 1729 to 1749 £80,000, so important was it to keep alive one of the important agencies for transporting slaves from Africa.¹ But in 1750 the company was dissolved, their charter, forts and all their property surrendered to government who paid their debts, and the African trade was placed under a new company so that the business should be open to all his Majesty's subjects.² Although the African company now ceased to export negroes from Africa it must not be supposed that the number of slaves exported in English vessels had diminished. The carrying trade had become open to the English generally, and though other nations, the Dutch, the French, and lastly the Spaniard now by degrees entered into the business, still, from 1750 down to the time of the American Revolution, the English were by far the greatest exporters of slaves from Africa, and the number was constantly increasing.³

¹ Bandinel, p. 60.

² The preamble to the act of 1750 recites:—"Whereas the trade to Africa is very advantageous to Great Britain, and necessary for the supplying the plantations and colonies thereunto belonging with a sufficient number of negroes at reasonable rates, and for that purpose the said trade ought to be free to all his Majesty's subjects," etc. (Statutes at large.)

³ The following chronological summary may be interesting:—In 1708 a committee of the House of Commons reported that "the trade is important and ought to be free"; in 1711 a committee once more report that "the plantations ought to be supplied with negroes at reasonable rates," and recommend an

Edwards says that from 1733 to 1766 the average annual exportation of slaves from Africa by England might be estimated at 20,000, but that immediately before the troubles with America the number had increased to 41,000. And Macpherson in his *History of Commerce*, states that the number shipped in 1768 by all nations for America and the West Indies was estimated at 97,000, that of these the British shipping took 60,000.¹

Edwards² estimates that between 1680 and 1700, twenty years, the African company and the private traders exported from Africa 300,000, which is 15,000 a year. From 1700 to 1786 to Jamaica alone 610,000, or about 7,000 annually. Of the number in the same interval, imported into the southern provinces of North America as well as the Windward Islands such precision cannot be employed, but Edwards is of opinion that Jamaica may be one-third of the whole, and that the total import into all the British colonies of America and the West Indies from 1680 to 1786, or one hundred and six years, may be put at 2,130,000, an annual average of 20,095.

I have a list of slave ships which sailed from England from 1771 to 1787, eighteen years. In 1771, 192 ships sailed from Liverpool, London and Bristol, provided for 47,000 slaves—107 ships from Liverpool alone provided for 29,250 slaves. In 1772, 175 vessels were employed:

increase of the trade; in June, 1712, Queen Anne, in her speech to Parliament, boasts of her success in securing to Englishmen a new market for slaves in Spanish America; in 1729 George II. recommended a provision at the national expense for the African forts, and the recommendation was allowed; at last, in 1749, to give the highest activity to the trade, every obstruction to private enterprise was removed and the ports of Africa were laid open to English competition, for "the slave trade," in the words of the statute, "is very advantageous to Great Britain." "The British Senate," writes Horace Walpole to Sir H. Mann, February 25, 1759, "have this fortnight been pondering methods to make more effectual that horrid traffic of selling negroes; it has appeared to us that six and forty thousand of these wretches are sold every year to our plantations alone." (Baneroff, III., 414.) Bandinel, pp. 61, 63.

¹ Bandinel, p. 63.

² Vol. II., p. 64, ed. of 1819.

1773, 151; 1774, 167; 1775, 152; 1776, 101.¹ In the three following years owing to the American Revolution there was a brief suspension of the trade, but at its close it was renewed.

And here I may mention, incidentally, that so large was the death-rate among slaves in the West Indies and so small the natural increase, that in 1840, the whole negro population in the English islands, including mixed breeds, did not exceed 763,000. Burke, in his account of the European settlements in America, in 1755, states, that at that period the number of negro slaves in the British possessions in the West Indies was about 240,000, and that of the white population 90,000; and that in Virginia there were about 100,000 negro slaves, with a white population of between 60,000 and 70,000; and that the English imported annually at least one-sixteenth part of the existing negroes to keep up the stock, making an importation of about 15,000 annually for the British West Indies, and of 6,200 for Virginia.²

But it appears that the *result* was different in the original colonies of the United States from that in the West Indies. With an estimated importation of, say, 350,000, from 1619 to 1808, these had increased in 1830 to 2,328,642³ or in 1860 to near 4,000,000.⁴

"We shall not err very much," says Mr. Baneroft, "if, for the century previous to the prohibition of the slave-trade by the American Congress, in 1776, we assume the number imported by the English into the Spanish, French, and English West Indies, as well as the English continental colonies, to have been, collectively nearly three millions, to which are to be added more than a quarter of a million

¹ Edwards. II., 65, 66.

² Bandinel, 64, 65.

³ T. G. Bradford and S. G. Goodrich, *Atlas*, 166, 167.

⁴ About 30,000 were found in Louisiana at the time of her incorporation into the Union. H. C. Carey, "*Slave Trade, Domestic and Foreign*," Philadelphia, 1856, pp. 13, 14.

thrown into the Atlantic on the passage." And these statistics, I may add, are the lowest ever made by any writer. "English ships fitted out in English cities," continues Mr. Bancroft, "under the special favor of the royal family, of the ministry, and of parliament, stole from Africa, in the years from 1700 to 1750, probably a million and a half of souls, of whom one-eighth were buried in the Atlantic, victims of the passage."¹

Here we see who is principally responsible, since the beginning of their settlement, for introducing slaves from Africa into the British-American colonies. It is the story briefly told of the British slave-trade; of the transference, not of the seeds of a race merely, but of a people, from one continent to another. It was generally regarded at the time as a respectable business. For many years the public conscience uttered no reproaches, but finally it was aroused.

But, it may be asked, did not Massachusetts, or some of the citizens of Massachusetts, engage in the African slave-trade? Undoubtedly they did, to a certain extent, and I have no wish to screen Massachusetts from her responsibility in this business. Her citizens shared, more or less, in the opinions of the time, on the moral, social and economical problems which underlay society, and were subject to the debasing influences which sometimes attended commercial and mercantile enterprises; but there was always a protest from the heart of the people against this crime to humanity, from the time of Joseph Sewall in 1700 to Nathaniel Appleton in 1769, which ere long made itself felt as a controlling influence in the community.

The Massachusetts colonists became early a commercial people. They built ships and freighted them with their own productions, and traded to the West Indies, the Spanish main and to Europe, quite regardless of the English Act of Navigation—after the passage of that act in 1651. And as it is well known that there were a few negro slaves

¹ Bancroft, III., 411, 412.

in the colony during the first charter, it is clear that some of them were part of the return cargoes from the West Indies. Some of their vessels went as far as the coast of Africa, and Winthrop notices one which went to the Canaries in 1644 with pipe-staves, and brought home an assorted cargo which she took in at Barbadoes "in exchange for Africoes which she carried from the Isle of Maio," one of the Cape Verde Islands.

The first negroes brought into the colony, so far as we know, came in the ship *Desire*, Captain Peirce, February 26, 1637-38, who brought home some cotton and tobacco and negroes from the West Indies. These were the return cargo of the vessel, which, seven months before, had taken some Pequot captives to the Bermudas for sale. The three negroes seen by Josselyn at Samuel Maverick's house on Noddle's Island in October of the following year, no doubt came from that importation. We do not know whether these were all.¹

In 1645 it came to the knowledge of the Massachusetts authorities that some slaves had been brought into the colony from Guinea that had been kidnapped or stolen from that coast, one of whom was in possession of a Mr. Williams of Piscataqua. The owner was required to produce the negro, and an order was passed November 4, 1646, directing that the captives be returned to their native land of Guinea, "the General Court conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man-stealing," and the Governor was desired to put the order into execution.²

In whatever light we may regard this transaction, it is evident from this, that the negro, in 1645, was regarded in Massachusetts as a *man*; and by a clause in the Body of Liberties of 1641, "Man-stealing" was punished with death.

¹ Winthrop's *Journal*, Vol. I., p. 255; Josselyn's *Voyages*, London, 1674, p. 28.

² Mass. Coll. Rec., Vol. II., p. 168.

In this case it was doubted whether the authority of the government extended so far as to punish a citizen for acts committed on the coast of Africa.

Edward Randolph in 1676, and Governor Bradstreet in 1680, report a few slaves brought here from Guinea and Madagascar, and from the West Indies, but do not mention who brought them. The latter says that "no company of slaves have been brought since the establishment of the colony fifty years ago, except about two years ago, after twenty months' voyage to Madagascar, a vessel brought forty or fifty negroes."¹

Sir Josiah Childe in his *New Discourse of Trade*,² first published in 1668 (a remarkable book for its day), has an interesting passage on the commerce of New England,—and where he speaks of New England he probably means Massachusetts—in which he enumerates her articles of export and import, describes the whole course and extent of her trade, but says not a word of negroes, except to draw a comparison between New England and Barbadoes, where slaves were employed as laborers. And Edward Randolph, referred to above, in a long and interesting report to the Privy Council in 1676, on the resources of the country, her agriculture, her manufactures, the character and extent of her commerce with her sister colonies and with foreign nations, says, near the close of this section of his paper:—"There are some ships lately sent to Guinea, Madagascar and those coasts, and some to Scanderoon, laden with masts and yards for ships."³

Governor Dudley, in 1708, in replying to the circular letter from the Board of Trade, to which I have already referred, says that from January 24, 1698, to December 25, 1707, 200 negroes arrived in Massachusetts—that the African company had not any factory or ships here.

¹ 3 Mass. Hist. Soc. Coll., VIII., 337.

² See pp. 212-214 of edition of 1698.

³ Hutchinson *Papers*, p. 495.

“Some traders on their own account, a long time since, have been on the coast of Guinea and imported slaves. The last was Thomas Winsor, who brought slaves from Africa in 1699, and also twenty-five of them in 1700.”¹ The duties belonging to the African company are enclosed by the writer. “Such money,” says Mr. Felt, “appears to have been what the company claimed by their charter, which allowed them the monopoly of the slave-trade with the English dominions.”

More slaves were brought into the colony as the new century opened. Some of them probably coming from the West Indies, and some of them direct from the coast of Africa; and to whatever extent the African slave-trade was prosecuted from Massachusetts, it seems to have been, prior to the middle of the eighteenth century, confined to a comparatively few vessels. Statistics unhappily are wanting, and we must reason from general facts and contemporary opinions. We have already seen that the African companies had, by their charters, a complete monopoly of the trade—from 1631 to 1698—except during small intervals of time, and from the last named date to 1750, the trade was so far opened that “any of the subjects of his Majesty’s Realm of England” could participate in it—by implication no others. There can be little doubt that interloping vessels from Massachusetts sometimes visited the coast before the trade was freely opened in 1750. The companies struggled hard from the beginning to maintain their monopoly. I have a long and interesting letter—a printed broadside—dated November 15, 1690, addressed to a member of Parliament, protesting against the opening of the trade, and claiming that the business required so much capital to carry it on that it could be conducted to advantage only by an incorporated company and a joint stock. In the year 1750 the trade was thrown open, and Massachusetts and other colonies took part in it.

¹ Felt, *American Statistical Association*, Vol. I., p. 586.

One of the best authorities on the subject of slavery in Massachusetts was Dr. Jeremy Belknap of Boston, an eminent historical scholar, and the founder of the Massachusetts Historical Society. He was born in Boston in 1744. In order to correctly answer several queries from Judge Tucker of Virginia relating to slavery in Massachusetts, Dr. Belknap, in 1795, addressed some forty letters of enquiry to eminent and venerable citizens of the State; and from the letters he received in reply and from personal conferences with others, united to his own knowledge, he drew up an answer to Judge Tucker, which was published three years later in the fourth volume of the Massachusetts Historical Society Collections.¹ Concerning the slave-trade he says:—

¹The letters received by Dr. Belknap, of this correspondence, or so many of them as are preserved, were printed by me nine years ago in 5 Massachusetts Historical Society Collections, III., 379-403. Of the writers of these, only seven in number, five have given their opinions on the subject in hand.

Dr. John Eliot, born in 1734, writes,—“The African trade was carried on; and commenced at an early period; to a small extent compared with Rhode Island, but it made a considerable branch of our commerce (to judge from the number of our still-houses, and masters of vessels now living who have been in the trade). It declined very little till the revolution. Some excellent writings were diffused previously to this, and the sentiment of the people was against it; but the merchants who had been engaged in the business still continued sending their vessels for slaves, till the trade was prohibited by act of the court, 1788.”

Samuel Dexter of Weston, the father of Samuel Dexter, the statesman, born 1726, writes,—“If any such trade really existed at an early period, I may have read something about it, but can now recollect nothing. It certainly never was, at any time, carried on to a great extent in Massachusetts. Adventurers from here have been concerned in a trade from Africa to the West Indies; but I know of none since Thomas Boylston, now in London, quitted it. McCarthy, and, I believe, Job Prince, were his captains; the former, divers voyages. Vessels from Rhode Island have brought slaves into Boston. Whether any have been imported in that town by its own merchants, I am unable to say. I have, more than fifty years ago, seen a vessel or two with slaves brought into Boston, but do not recollect where they were owned. At that time [1745] it was a very rare thing to hear the trade reprobated.”

Thomas Pemberton, born 1728, writes,—“We know that a large trade to Guinea was carried on for many years by the citizens of the Massachusetts colony, who were the proprietors of the vessels and their cargoes, out and home. Some of the slaves purchased in Guinea, and I suppose the greatest part of them, were sold in the West Indies, some were brought to Boston and Charle-town, and sold to town and country purchasers by the head. . . . This business of importing and selling negroes continued till nearly the time of the

“The African trade was never prosecuted to a great extent by the merchants of Massachusetts. No records or memorials are remaining by which anything respecting it, in the last century, can be known. . . . By the inquiries which I have made of our oldest merchants now living, I cannot find that more than three ships in a year, belonging to this port, were ever employed in the African trade. The rum distilled here was the main-spring of this traffic. The slaves, purchased in Africa, were chiefly sold in the West Indies, or in the southern colonies; but when those markets were glutted, and the price low, some of them were brought hither. Very few whole cargoes ever came to this port. One gentleman says he remembers two or three. I remember one, between thirty and forty years ago, which consisted almost wholly of children. At Rhode Island the rum distillery and the African trade were prosecuted to a greater extent than in Boston; and I believe no other seaport in Massachusetts had any concern in the slave business. Sometimes the Rhode Island vessels, after having sold their prime slaves in the West Indies, brought the remnants of their cargoes hither for sale. Since this commerce has declined the town of Newport has gone to decay. . . . A few only of our merchants were engaged in this kind of traffic. It required a large capital and was considered as peculiarly hazardous, though gainful. It was never supported by popular opinion; and the voice of conscience was

controversy with Great Britain. The precise date when it wholly ceased I cannot ascertain, but it declined and drew to a period about the time the British Parliament attempted to enslave the colonists by arbitrary acts.”

Judge James Winthrop, born in 1751, writes,—“I have no certain information, but believe it was never carried on to any considerable extent but by way of Rhode Island.”

Dr. Holyoke, a physician of Salem, born 1728, to Judge Tucker's second query, “if the African slave trade was carried on thither?” writes,—“Yes, but never, I believe, to any great extent. When it commenced I know not, nor when it began to decline. But few cargoes, I believe, have been brought in here within this thirty-five or forty years. The older merchants in Boston can best answer this question. The slaves which were brought here directly from Africa came, for the most part, I believe, in American vessels. But the trade was not generally agreeable to the people, and several openly expressed their disapprobation of it. Judge Lowell about the latter end of the last century published a small tract against it, entitled ‘Joseph Sold, Memorial.’”

As has been said above, Dr. Belknap made extensive enquiries of our oldest merchants as well as of others, whose letters are not preserved, and he has given the results of his investigation in the paper noticed above.

against it. A degree of infamy was attached to the characters of those who were employed in it; several of them, in their last hours, bitterly lamented their concern in it."

The distilling of rum was one of the industries of Massachusetts, and continued to be for many years. This article was supplied to most of the other colonies; the Indian trade, the New England and Newfoundland fisheries as well as the African trade consumed it.

Dr. Belknap supposed that Boston was the only sea-port in Massachusetts from which slave-ships sailed. But Dr. Felt has furnished memoranda of a few ships which sailed from Salem, an important commercial port. He notices one in 1763 which sails for Guinea; one in 1773 which had reached the West Indies with slaves from the river Gambia; two in 1785; and one in 1787 are found engaged in this traffic; and in 1791 another arrived in Surinam from the coast of Africa. Visiting the coast of Africa or being employed in the African trade might not necessarily imply that the vessel was a slaver.¹

That these vessels occasionally took their cargoes into the ports of the southern colonies is probable, for I find in the instructions given to the captains of two vessels before sailing on their dismal voyages a clause directing them in certain contingences to go to Charleston; and Dr. Belknap tells us that the slaves were chiefly sold in the West Indies or in the southern colonies. About the time of the Stamp Act Dr. Belknap says the trade began to decline, and in 1788 it was prohibited by law. This could not have been done, he says, previous to the Revolution as the governors sent hither were instructed not to consent to any acts made for that purpose.

From this review of the evidence, allowing it to weigh against Massachusetts all it will possibly bear, it is certain that the share which that colony had in the planting of slavery in the new world was but a drop in the bucket

¹ *Annals of Salem*, Vol. II., Salem, 1849.

compared with that of England. Nor is this all. I have no wish to draw any invidious comparisons between sister colonies, but I am here compelled to say that Rhode Island was engaged in the slave-trade to a far greater extent than Massachusetts was. We have seen what Dr. Belknap says on this point, and Dr. Samuel Hopkins of Newport, in 1776, in a tract advocating the abolition of slavery,¹ says, "As Rhode Island has been more deeply interested in the slave-trade, and has enslaved more of the poor Africans than any other colony in New England, it has been to the honor of that colony that she has made a law prohibiting the importation of any more slaves."²

If we take into account only the 350,000 slaves estimated to have been brought into the southern colonies of the United States during all the period we have been reviewing, we can imagine how small a part of them could on any probable hypothesis have been supplied by Massachusetts vessels.

We come now to the charge that after slavery in Massachusetts was found not to pay the slaves were sold down south. Here again no proof is offered, and no case is cited. Probably the speaker had no case to cite. The charge is indefinite as to time. When did the people of Massachusetts find that slavery did not pay? Slavery never at any time was profitable here, and white servants were preferred when they could be obtained. I propose now to show what slavery was in Massachusetts, and to see if on any grounds of probability the charge above made could be true.

We have seen when negro slaves were first brought into the colony—in 1637–38. There was never any positive law establishing the institution here. Negro slavery existed then all over the civilized world by virtue of public law or custom. It came into Virginia and into New York, that is, *Manhattan*, before the Massachusetts colony was founded,

¹ A Dialogue, concerning the Slavery of the Africans, etc., Norwich, 1776, p. 57.

² The prohibitory law was not, however, passed till October, 1787.

and into all the other colonies from time to time since, as the tide comes in. Mr. Hurd in his book on "The Law of Freedom and Bondage in the United States," I., 225, says :—

"The involuntary servitude of Indians and negroes in the several colonies originated under a law not promulgated by legislation, and rested upon prevalent views of universal jurisprudence, or the *law of nations*, supported by the express or implied authority of the home government."

But in the Massachusetts Body of Liberties, adopted in 1641—the first code of laws—it is provided, that "there shall never be any bond slavery, villanage or captivity amongst us unless it be lawful captives taken in just wars and such strangers as willingly sell themselves or are sold to us." And this law was substantially reënacted three several times, the last time in 1672.¹ Its meaning has been the subject of some controversy, but in view of the above facts there can be little doubt that it was regarded by its authors as a limitation of slavery, and not as an establishment of the right to hold slaves. By its terms there could be but two classes of slaves, prisoners of war and persons sold or purchased. The children of slaves were, therefore, by law, free. I have never seen any contemporary adjudication of this provision of law—and by "contemporary" I mean during the existence of slavery in Massachusetts—but later, in one of those pauper settlement cases which came before the Supreme Court in 1796, the court decided that a child born in Massachusetts of a slave mother was by the law of Massachusetts free.² Still it must be admitted that the common usage in Massachusetts for a long time was to regard the children of slave mothers as slaves in fact.³ Perhaps this was inevitable. The child needed a home and required to be fed and clothed, and as it grew up and

¹ 13 Mass. Hist. Soc. Col., VIII., 231; and the several digests of laws.

² Littleton v. Tuttle, 4 Mass. Rep., 123.

³ See Judge Parsons's statement in 1808, in 4 Mass., 128, note, referring to the Littleton case in 1796.

became one of the family of servants it came to be regarded as having the same relation to the family as its mother had, and the protection of its master was thrown round it to preserve it from pauperism and crime. And whatever significance may have been attached to this provision of law at first, it seems in time to have been lost sight of. Governor Dudley reports in 1708 that there were 400 servants in Boston, one-half of whom were born here.¹

Slavery in Massachusetts was different from what it was in the West Indies, or even in the Southern States.² It was probably as mild in its character as could well be considering the material which constituted it. Of course it was a form of slavery—the subjection of one man’s will to another man’s will. The foundation of slavery, as old as human nature itself, says Dr. Maine in his treatise on *Ancient Law*, is “the simple wish to use the bodily powers of another person as a means of ministering to one’s own ease or pleasure.” What slavery actually was here can be gathered, not so much perhaps by the laws which were enacted to regulate it, as from the knowledge of those who lived among it, and who knew the public sentiment and the customs of society respecting it, and the relations which grew out of them. The cases adjudicated in the courts were rarely reported, but their influence in favor of liberty though silent was sure. In simple and unmitigated slavery, the slave has no rights. In Massachusetts negroes were generally regarded as human beings, who had some rights which white men were bound to respect.

The great lawyer and statesman, Nathan Dane, born in 1752, and living in the midst of slavery here thirty years, and probably knowing many persons whose memory went back to 1703, when there were but 550 slaves in the colony, is an intelligent witness to the *status* of slavery in Massachusetts.

He says:—“The negro or mulatto slave in New Eng-

¹ Felt, *Stat. Asso.*, p. 586.

² See St. George Tucker’s *Dissertation on Slavery*, Philadelphia, 1796, *passim*.

land always had many rights which raised him above the *absolute* slave." The master had no right to his life, that is, if he killed him he was punishable as for killing a free-man; he was liable to his slave's action for beating, wounding, or immoderately chastising him, as much as for immoderately correcting an apprentice, or a child; the slave was capable of holding property, as a devisee or a legatee, as the damages recovered for personal injuries; if any one took the slave away from his master without his consent, the master could not sue in trover, but only as for taking away any other servant. On the whole the slave had the right of property and of life as apprentices had, and the only difference was, "an apprentice is a servant for time, and the slave is a servant for life." A slave, however, could be sold, and in some States he could be taken in execution for his master's debts.¹

Slaves were sometimes admitted to be church members and sometimes served in the militia. They were enlisted in the army in the old French war. They were competent witnesses even in capital trials and in suits of other slaves for freedom. The right to marry was secured to them in 1705 by a statute of the province, and their banns were published like those of white persons. In 1745 a negro slave obtained from the Governor and Council a divorce for his wife's adultery with a white man.²

¹ Dane's Abr., II., 313. Mr. Dane, in treating of Slavery in New England, takes these illustrations, with slight variations, from Reeve's Domestic Relations, p. 340, — to which he refers in the margin of his book — that is, from the chapter headed, "Of Slavery as it once was in Connecticut." Dr. Moore, in his "Notes on the History of Slavery in Massachusetts," p. 100, takes exception to some of these rights claimed, as applied to Massachusetts, and thinks they are not sufficiently fortified by reference to statutes or to judicial decisions. As to *trover*, in 1763 trover had been maintained in Massachusetts for a negro. — Quincy's Rep., Gray's note, 98.

Governor Hutchinson in a letter to Lord Hillsborough, in May, 1771, says, that "slavery by the provincial laws gives no right to the life of the servant, and a slave here is considered as a servant would be who had bound himself for a term of years exceeding the ordinary term of human life; and I do not know that it has been determined he may not have property in goods, notwithstanding he is called a slave." — Moore, p. 132.

² Quincy's Rep., Gray's note and citations on slavery in Massachusetts, p. 30.

Reference has already been made to the opportunities which Dr. Belknap had of knowing what slavery was in Massachusetts. In 1795 he wrote to Judge Tucker of Virginia as follows:—"The condition of our slaves was far from rigorous, no greater labor was exacted of them than of white people. . . . They had always the free enjoyment of the Sabbath as a day of rest. . . . In the maritime towns the negroes served either in families or at mechanical employments; and in either case they fared no worse than other persons of the same class. In the country they lived as well as their masters, and often sat down at the same table in the true style of *republican equality*."¹

The number of slaves in Massachusetts was never large. Under the first charter they were inconsiderable.² Under the province charter there were in 1708, 550; in 1720, 2,000, including a few Indians; in 1735, 2,600; in 1742, 1,514 in Boston; in 1754, 4,489; in 1764-65, 5,779; in 1776, 5,249. The last two items include both slaves and free blacks. In 1790, the number of blacks, by the United States census, was 6,001, which number included, says Mr. Felt, about 200 mixed Indians.³ From these statistics it is reasonable to suppose the number of slaves in Massachusetts never much exceeded 4,500, at any one time, and the greatest proportion they ever bore to the whites was about one to forty or fifty, say one slave to seven or eight families.

Such according to the best evidence now attainable was slavery in Massachusetts. It is difficult to conceive of slavery existing at all in a form less rigorous than that which prevailed here. But even in this mild form it was

¹ 1 Mass. Hist. Coll., IV., 200.

² The statement of a "French Protestant Refugee," in 1689, that every house in Boston has one or two negroes, must be an exaggeration (*Report*, etc., published in Brooklyn, 1868, p. 20). Edward Randolph, who was always extravagant in his statistics relating to Massachusetts, says, writing in 1676, "There are not above 200 slaves in the colony"; and Governor Bradstreet, writing in 1680, reported "about 120 negroes in the colony."

³ Felt, *Am. Stat. Asso.*, I., 208-214; Moore's Notes, p. 150; 1 Mass. Hist. Soc. Coll., IV., 198.

never in harmony with the general sentiment of the people.¹ This appears in many ways. In the first place, but few ever participated in it. Then follow other considerations. We have already noticed the action of the General Court of the colony in 1645 against the crime of kidnapping or man-stealing on the coast of Africa. Then in 1701 Boston instructed her representatives to use their influence in the General Court to have an end put to negroes being slaves, and to encourage the bringing in of white servants. Boston at this time contained not less than three-fourths of all the slaves in the province. From 1755 to 1766 frequent petitions were sent up to the General Court from Boston, Salem, and from other parts of the State for the suppression of slavery. In 1766 John Adams says he was present at the trial of a suit of a negro woman against her master for her liberty, and that he had often heard of such suits before—and we know that from that time forward such suits were frequent, and juries always found for the negro. John Adams said he “never knew a jury by a verdict to determine that a man was a slave.”² In 1771 and twice in 1774 the legislature passed bills to prohibit the importation

¹ It is not to be denied that the negro race, bond or free, was not regarded here as a desirable element of the population. They were generally ignorant and degraded, and required to be looked after and cared for as children, and strict regulations were made to ensure order among them, to see that they should have employment, and to provide for a healthy sanitary condition. Special reference is here made to the Town Records and the Selectmen's Records of the Town of Boston, printed in the Reports of the Record Commissioners, for the orders adopted to secure these desirable ends. Strangers were sometimes warned to depart, but in this respect white and black fared alike, it being a precaution taken to avoid the contingent liability of supporting paupers. For a like reason a law of the province in 1703 forbade the manumission of a slave unless the master gave bonds to support him if he came to want.

A few years after the abolition of slavery here, in order to prevent an irruption of negroes into the State, the legislature, on the 26 of March, 1788, passed a law requiring all negroes not citizens of any State in the union, but resident here, to depart in two months, under a severe penalty. “The design of this law,” says Dr. Belknap, “is to prevent deserting negroes from resorting hither in hopes to obtain freedom, and then being thrown as a dead weight on this community.”

² 5 Mass. Hist. Coll., III., 401, 402; Hildreth, II., 563-565.

of slaves, both of which failed to receive the assent of the Royal Governor.¹

In 1776, September 17, two slaves taken on board an English prize ship were brought into Salem and ordered to be sold, but the General Court forbade the sale and ordered such prisoners to be treated like all others; and the House resolved "that the selling and enslaving of the human species is a direct violation of the natural rights alike vested in them by their Creator, and utterly inconsistent with the avowed principles on which this, and the other States have carried on their struggle for liberty."²

This public sentiment against slavery at last became so strong that it brought about its abolition. It was largely stimulated by the controversy with Great Britain, at which time the whole subject of freedom was opened. John

¹Several attempts were made in Massachusetts to abolish slavery by legislation, and petitions were presented to the General Court from time to time asking for its abolition; several of these came from the negroes themselves. In June, 1777, the question again came up before the legislature and a committee of the house was chosen to prepare a letter to the Congress sitting at Philadelphia on the subject and report it to the House. They say, "This question has at different times for many years past been a subject of debate in former houses, without any decision on the main principle, and although they have generally appeared as individuals convinced of the rectitude of the measure, nothing further has been done than to have a Bill before them, which after some debate, from various circumstantial obstacles and embarrassments, has subsided. The last House resumed this question in consequence of a petition from a number of Africans, and ordered a Bill to be brought in, which after one reading was referred over to this House, and is now before us, and has been considered in a first and second reading. Convinced of the justice of the measure, we are restrained from passing it only from an apprehension that our brethren in the other colonies should conceive there was an impropriety in our determining on a question which may in its nature and operation be of extensive influence without previously consulting your Honors. We therefore have ordered the Bill to lie, and ask the attention of your Honors to this matter, that, if consistent with the union and harmony of the United States, we may follow the dictates of our own understandings and feelings, at the same time assuring your Honors that we have such a sacred regard to the union and harmony of the United States as to conceive ourselves under obligations to refrain from every measure that should have a tendency to injure that union which is the basis and foundation of our defence and happiness."—Proc. Mass. Hist. Soc., X., 332, 333. After the reading of this letter it was "ordered to lie," and the records are thereafter silent respecting it.

²Moore's *Notes*, p. 148, *et seq.*; Felt's *Salem*, II., 278; Washburn's *Lecture*, Lowell Inst. Course, p. 210.

Adams says they talked about "the rights of mankind," and afterwards omitted the *kind*. Some masters voluntarily liberated their slaves, and some slaves claimed their liberty in the courts, and by their counsel pleaded their rights as the King's subjects; that by the law of England no man could be deprived of his liberty but by the judgment of his peers. He claimed the common law right, which was ignoring wholly the civil law on which slavery rested. And Judge Dana told Dr. Belknap, as I infer from a note of the latter, that on some occasions the plea was, that though the slavery of parents be admitted yet no disability of that kind could descend to children.¹ This would seem to be a survival of the rule of limitation announced in the Body of Liberties. But such judgments or opinions could have had no legal effect beyond the immediate case before the court. I have already quoted the remark of John Adams, that he never knew a case in which the jury found against the negro.

The slight hold which slavery had upon Massachusetts about the period of the Revolutionary War, and at the time the Constitution of the State was adopted, in 1780, was wholly loosened by the judicial decision in the well-known case of Quork Walker, three years later, in which reference was made to the now celebrated clause in the Bill of Rights to the new constitution of the State. But it is a noteworthy fact that the arguments of counsel in favor of the slave in that case, in one of the trials, as per brief of Levi Lincoln, printed by me a few years ago in 5 Mass. Hist. Soc. Coll., III., 438, barely alluded to the Constitution, but base their pleas almost wholly on what we now call the higher law doctrine—that there was never any law in the State establishing slavery, and that all laws against natural rights are void. And Judge Cushing's charge and opinion in the final suit before the Supreme Judicial Court are much the same.²

¹ Belknap to Judge Tucker as above.

² Proc. Mass. Hist. Soc., XIII., 294.

What the immediate practical effect of this decision was upon the master and slave we know pretty well. That many slaves remained with their masters is certain. The decision was, no doubt, generally welcomed, and what slaves wished to leave did so.

Dr. Belknap tells us of the condition of the liberated slaves. Many of those in the country who left their masters came to the seaport towns. Often their fate was a hard one, and physically their last condition was worse than the first.

The foregoing statement of what slavery was in Massachusetts and how it ended, is nearly conclusive evidence of the falsity of the charge we are considering. But this is not all. Dr. Belknap tells us that "for the negro to be sold to the West Indies or to Carolina was the highest punishment that could be inflicted or threatened."¹

The horror with which the kidnapping of negroes was regarded, that is the decoying of them out of the State for sale down south, or in the West Indies, was shown in a case which occurred in the month of February, 1788. One Avery, a native of Connecticut, by the assistance of another fellow, decoyed three unsuspecting black men on board a vessel in Boston harbor, and sent them down into the hold to work. While thus employed the vessel set sail and went to sea, having been previously cleared for Martinico. Governor Hancock and Mr. L'Etombe, the French consul, at once wrote letters to the governors of all the islands in the West Indies in favor of the negroes. The men were offered for sale at the Danish island of St. Bartholomew. They told their story publicly and the governor of the island prevented the sale. They were liberated and arrived at Boston on the 29th of July following, which was a day of jubilee, says Dr. Belknap, not only among their countrymen, but among all the friends of justice and humanity.²

¹ 1 Mass. Hist. Soc. Coll., IV., 200.

² Dr. Belknap in 1 Mass. Hist. Soc. Coll., IV., 204, 205.

Advantage was taken of this affair to renew the application to the legislature

What a singular phenomenon would be presented of a community, which abolished slavery because they believed it was wrong, and then turned round and sold their slaves into a worse bondage.

But the census refutes the story. If the negroes were run down south, they came back again to be counted. I have already cited the facts of the census. In 1776, seven years before the abolition of slavery, there were 5,249 blacks in the colony. In 1790 the United States census finds 6,001 colored persons here, which number includes some 200 mixed Indians.¹ Here they are, and here they lived and died.

It is not impossible that there has been, here and there, an isolated case of a slave being sold to go south, but that does not sustain the charge. Crimes are committed in every community. "There are traditions of slavery and slave-holding times lingering in many families and villages in Massachusetts. Slavery, its incidents and evils are discussed in town histories, sermons and other writings, but

for the abolition of the slave-trade, that is, to prohibit any citizen of the State from pursuing the business. The colored population too joined in the petition, and Dr. Belknap and other clergymen lent their influence. An act was passed March 26, 1788, "to prevent the slave-trade, and granting relief to the families of such unhappy persons as may be kidnapped or decoyed away from this Commonwealth." It was enacted "that no citizen, residing within this Commonwealth shall, for himself or any other person, either as master, factor, supercargo, owner, or hirer in whole or in part, of any vessel, directly or indirectly, import or transport, or buy, or sell, or receive on board his or their vessel, with intent to cause to be imported or transported any of the inhabitants of any state or kingdom in Africa, as slaves, or servants for term of years, on penalty of fifty pounds for every person so received on board . . . and two hundred pounds for every vessel fitted out with such intent . . . and all insurance made on such vessels shall be void." 1 Mass. Hist. Soc. Coll., IV., 202, 203. Dr. Belknap, in March, 1790, speaks of a person, who, to evade the laws of the State had gone to France "to fit out his ship for the detested business." He had begged a copy of Clarkson's Essay to send to this man, hoping it might "serve to gall his conscience a little," and some time or other "to bring him to serious recollection." 5 Mass. Hist. Soc. Coll., III., 216.

¹I do not refer above to the census returns of 1784, giving 4,377 blacks, nor to those of 1786, giving 4,371 blacks, because Mr. Felt says these returns are made without allowances for such "as may have been either deficient or not made at all." (*Statist. Assoc.*, I., 214.)

after careful examination and inquiry," says an intelligent and careful investigator of this subject, "I have been able to find but one instance of selling slaves to go south. In Wilbraham, a remote town nearly bordering on the State of Connecticut, there were five slaves at the time of the adoption of the Constitution, in 1780, and two of these, it is said, were decoyed by their masters into Connecticut and thence on board a vessel at Hartford, which dropped down the river and they were never more heard of in Wilbraham." The story, from the position of the parties involved, seems almost incredible, but the particulars are told by Dr. R. P. Stebbins in his "Historical Address," at the centennial celebration of the town of Wilbraham in June, 1863. I had heard of this affair, and have searched for other cases. I have in my own library a large number of town histories and centennial addresses, including that of Dr. Stebbins, referred to above, and I have examined and caused to be examined for me, altogether, some one hundred and fifty town histories of this State for this purpose; but the case of Wilbraham stands alone.¹

¹Since this paper was read before this Society I have had a favorable opportunity of examining further into the truth of this Wilbraham story, and it seems to me very doubtful. The author of the address was certainly mistaken in some of his alleged facts, and I cannot but think that the main story — that the two negroes referred to were sold down south — is not true.

